

**REMARKS/ARGUMENTS**

Claims 1-13 were previously canceled. Claims 15-16 were previously withdrawn. Claim 14 is currently under examination. The Final Office Action rejected claim 14 under 35 U.S.C. §102(e) as being anticipated by the cited portions of U.S. Patent No. 5,351,197 to Upton et al. (hereinafter "Upton").

**35 U.S.C. §102(e) Rejection, Upton**

The Final Office Action rejected claim 14 under 35 U.S.C. §102(e) as being anticipated by the cited portions of Upton. However, upon a close review of Upton it does not appear that Upton actually teaches adjustment of "row pitch" as defined in the Applicant's specification. Rather, Upton teaches adjustment of cell height.

The Applicant's specification shows "row pitch" in Fig. 11 as the distance between adjacent  $V_{DD}$  lines. Furthermore, in the specification at paragraph [03], the Applicant refers to "row pitch" as cell spacing. At paragraph [11] on page 2, the Applicant states: "The spacing, or pitch, between rows of cells is determined by (a) the number of interconnect lines fabricated from METAL 1 (shown in Figure 2) and (b) the cell height." This illustrates that "row pitch" actually refers to the distance between rows of cells and that cell height alone does not determine row pitch in the prior art.

The Upton reference cited by the Examiner does not teach altering row pitch. Rather, it refers to adjustment of cell height. Namely, at column 12, lines 13-19, the Upton reference states:

"Finally, the vertical extent of corresponding features in row decode 34 and RAM cell array 32 are compared and made equal. Accordingly, the vertical extent of the feature in the row decode 34 is increased from 10 to 12 in order to equal the vertical extent of the feature in the RAM cell array 32. The result of these pitch matching operations is shown in FIG. 9C."

See 5,351,197 at Col. 12, ll 13-19.

As can be seen by reference to Fig. 9C, the change that is made to cells is a change in the height of the cells in the top row so that they both have a cell height of 12. No  $V_{DD}$  line is shown in Fig. 9C. In fact, it is apparent that the  $V_{DD}$  for the cell having a height of 30 and a width of 10 in Fig. 9C and the cell having a width of 15 and height of 4 in Fig. 9C would not utilize the same  $V_{DD}$  line. Thus, there would be no common  $V_{DD}$  from which to measure the row pitch between adjacent cells in Fig. 9C.

Therefore, even though the Upton reference uses the word "pitch", the Upton reference does not actually teach the claim element "a MACRO, embedded within the standard cell array, comprising rows of cells having pitch substantially equal to the row pitch"

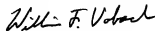
For at least this reason, the rejection of claim 14 under 35 USC §102(e) is respectfully traversed.

### CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



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